




Department of Energy

Washington, DC 20585

November 6, 2008

MEMORANDUM FOR THE ACTING DEPUTY SECRETARY

FROM:


Gregory H. Friedman
Inspector General

SUBJECT:

INFORMATION: Letter Report on Inspection of "Department of Energy Activities Involving the President's Surveillance Program" (INS-L-09-01, Inspection No. S08IS012)

BACKGROUND

The Foreign Intelligence Surveillance Act of 1978 (Act), amended on July 10, 2008, required that Intelligence Community Inspectors General review specified aspects of their respective agencies' participation in the President's Surveillance Program. The Act defined the Program as "the intelligence activity involving communications that was authorized by the President during the period beginning on September 11, 2001, and ending on January 17, 2007." The Department of Energy is a member of the Intelligence Community. As such, we initiated an inspection to determine if the Department participated in the Program and, if so, to report on activities as required by the Act. This Letter Report is to advise you of the results of our inspection.

RESULTS OF INSPECTION

Responsible Department officials told us that there was no Department of Energy participation in the Program. Our inspection disclosed no information to contradict this assertion. During our fieldwork, we conducted interviews of key Department of Energy intelligence and counterintelligence officials and reviewed pertinent records. Further, we coordinated name checks of employees working in this area who were detailed to the Department between 2001 and 2007 to determine if they were "read onto" the Program. We learned that one official participated in the Program while previously employed at a different agency. The official stated that his involvement did not extend to work done at the Department of Energy. Under the circumstances, and absent additional information, this Letter Report closes our effort in this area.

Separately, a review of Department activities associated with the Foreign Intelligence Surveillance Act, other than the President's Surveillance Program, is ongoing. This review, also required by the Act, will result in a separate report.

This inspection was conducted in accordance with the "Quality Standards for Inspections" issued by the President's Council on Integrity and Efficiency. We appreciate the cooperation we received from your staff during the inspection. If you have any questions concerning this review, feel free to contact me at 202-586-4109.



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cc: Chief of Staff
Director, Office of Intelligence and Counterintelligence
General Counsel
Director, Policy and Internal Controls Management (NA-66)
Director, Office of Internal Review (CF-1.2)